

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NATHAN MORALES,

Case No. 23-12037

Plaintiff,
v.

F. Kay Behm
United States District Judge

BLUE CROSS BLUE SHIELD OF
MICHIGAN,

Defendant.

_____ /

ORDER DENYING MOTION TO DISMISS (ECF No. 8) AS MOOT

On August 11, 2023, Plaintiff, Nathan Morales, filed a complaint under Title VII and Elliott-Larsen alleging religious discrimination claims against his former employer, Defendant Blue Cross Blue Shield of Michigan. (ECF No. 1). On October 31, 2023, Defendant filed a Motion to Dismiss Plaintiff's Complaint. (ECF No. 8).

Morales subsequently filed an amended complaint as of right on November 20, 2023. (ECF No. 11). Generally, an "amended complaint supersedes the original complaint, thus making the motion to dismiss the original complaint moot." *Ky. Press Ass'n v. Kentucky*, 355 F. Supp. 2d 853, 857 (E.D. Ky. 2005) (citing *Parry v. Mohawk Motors of Mich., Inc.*, 236 F.3d 299, 306 (6th Cir. 2000) (holding

that the amended complaint supersedes all previous complaints and becomes the operative pleading)); *see also Glass v. Kellogg Co.*, 252 F.R.D. 367, 368 (W.D. Mich. 2008) (“Because the original complaint has been superseded and nullified, there is no longer a live dispute about the propriety or merit of the claims asserted therein; therefore, any motion to dismiss such claims is moot.” (footnote omitted)). Accordingly, the motion to dismiss is now moot and the court will **DENY** Defendant’s motion to dismiss (ECF No. 8).

SO ORDERED.

Dated: November 29, 2023

s/F. Kay Behm

F. KAY BEHM

United States District Court Judge